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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,980	01/29/2004	Takeshi Izumi	1560-0406P	2811
2292	7590	09/28/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DAVIS, OCTAVIA L	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/765,980

Applicant(s)

IZUMI, TAKESHI

Examiner

Octavia Davis

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/14/05, 6/27/05.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 1/29/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/27/04 ed

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restriction*

1. Applicant's election with traverse of Group I, claims 1 – 8 in the reply filed on 6/27/05 is acknowledged. The traversal is on the grounds that the inventions are not subcombinations usable together. This is not found persuasive because Group I includes a -- rotary shaft located in a housing and a coated sensor unit and a circuit board located in the housing, the sensor unit and the circuit board being connected together -- and Group II includes -- a housing with two chambers, a shaft located in a first chamber of a housing, a circuit board located in a second chamber of the housing, a sensor sliding into the first chamber, a passageway connecting the two chambers, and the circuit board being connected to the sensor with a connection part to together from a unit --. The requirement is still deemed proper and is therefore made FINAL.

This application contains claims 9 and 10 drawn to an invention nonelected with traverse in the reply filed 6/27/05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe.

Art Unit: 2855

Regarding claims 1, 4 and 5, Abe discloses a rotary sensor comprising a rotary shaft 13, a housing 1 for supporting the rotary shaft, a sensing means 20 retained in the housing that detects the rotation of the rotating member 11 having the rotational shaft 13, a circuit board 22 mounted in the housing and a connection part 19 for connecting the sensor unit and the circuit board, wherein the circuit board is formed of a rectangular configuration from an insulating material (See Col. 6, lines 34 – 35) and the connection part 19 is formed of a lever 17 which is formed of an insulating synthetic material such as PBT (See Col. 5, lines 50 – 55).

Regarding claims 2, 3 and 6 – 8, the rotary sensor includes the housing 1 which is formed of a cup-like configuration of an insulating synthetic resin such as PBT and the circuit board 22, connection part 19 and sensor 20 are integrally connected (See Col. 4, lines 45 – 47).

### ***Response to Arguments***

4. Applicant's arguments filed 3/14/05 have been fully considered but they are not persuasive. In response to applicant's arguments that the reference does not disclose a sensor unit for producing an output corresponding to rotational torque applied to a rotary shaft and a circuit board and connection part coated with synthetic resin, it is the examiner's position that in Abe, the rotation detection means 20 detects the rotation of the rotating member 11 having the rotation shaft 13 (See Col. 4, lines 34 – 44) and the rotation shaft 13 is connected to the lever member 17 of which a torque is imparted due to the torque acting against the elastic force of a coil spring 16 \*See Col. 8, lines 29 – 41) and the circuit board is made from an insulating material (See Col. 6, lines 34 – 45), the connection member 19 is formed of the lever member 17 which is formed of an insulating synthetic resin material PBT (See Col. 5, lines 50 – 55) and the housing 1 which encloses and

Art Unit: 2855

connects the board and connection part is formed of an insulating synthetic resin material (See Col. 4, lines 45 – 47), thus the reference still stands.


Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Conclusion***

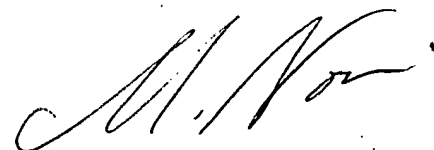
5. Any inquiry concerning this communication should be directed to examiner Octavia Davis at telephone number 571.272.2176. The examiner can normally be reached on Maxiflex.

If attempts to teach the examiner by telephone are unsuccessful, the examiners' supervisor Edward Lefkowitz, can be reached on 571.272.2180. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.



OD/2855

9/15/05



**MAX NOORI  
PRIMARY EXAMINER**